

**GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT**

Tribal Welfare Department – Appeal Petition filed by Sri Lanka Nagabhushana Rao S/o Hanumantha Rao, Yard Master, Visakhapatnam port Trust, Visakhapatnam, against the Proceedings Rc. No.1207/97-C7, dt. 29.10.1997 of the District Collector, Vizianagaram District – Under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition allowed – Orders Issued.

---

**SOCIAL WELFARE (CV-2) DEPARTMENT**

**GO.Ms.No. 31**

Dated:19-02-2014.  
Read the following:

1. Proceedings of the District Collector, Vizianagaram, Rc. No.1207/97-C7, dt. 29.10.1997.
2. Appeal Petition filed by Sri Lanka Nagabhushana Rao S/o Hanumantha Rao, Yard Master, Visakhapatnam port Trust, Visakhapatnam, before the Hon'ble M(TW), dt. 31.12.1997.
3. Govt.Memo No.22674/CV.2/1997-1, SW(CV.2)Dept., dated 05.01.1998.
4. From the District Collector, Vizianagaram, Lr.Rc.No. 143/98/C7, dt.10.4.1998.
5. Govt.Memo No.22674/CV.2/1997-2, SW(CV.2)Dept., dated 16.06.1998 and reminders thereon.
6. Misc. petition/Appeal 22674/CV.2/1997, dated 13.06.2000 and 12.12.2000 filed by Counsel for Appellant before the Government.
7. From the Orders of APHC, Hyderabad in WPN0.30346 of 1997, dated:29.06.2000.
8. Govt.MemoNo.22674/CV.2/1997-9, SW(CV.2)Dept., dated 13.07.2000
9. From the District Collector, Vizianagaram, Lr.Rc.No.143/98/C7, dt.19.07.2000.
10. Govt.MemoNo.22674/CV.2/1997-10, SW(CV.2)Dept., dated 5.08.2000 and reminders thereon.
11. From the District Collector, Vizianagaram, Lr.Rc.No.143/98/C7, dt.06.10.2000 and 16.05.2001.
12. Govt.MemoNo.22674/CV.2/1997-13, SW(CV.2)Dept., dated 9.08.2001, 05.11.2001, 27.01.2003.
13. G.O.Ms.No.70, SW(CV.2) Dept., dt.14.08.2000.
14. The Orders of APHC, Hyderabad in WPN0.2284 of 2003, dated:07.02.2003 and 17.02.2011.
15. Misc. petition/Appeal 22674/CV.2/1997, dated 18.03.2011 filed by Appellant Sri Lanka Nagabhushana Rao before the Govt.
16. Govt.MemoNo.22674/CV.2/1997-20, SW(CV.2) Dept., dt:06.06.2011, 02.07.2011, 18.08.2011, 26.06.2012 and 26.07.2012.
17. Written Arguments dated: and 06.08.2012 filed by the Appellant before the Government.
18. Govt.MemoNo.22674/CV.2/1997, SW(CV.2) Dept., dt.01.09.2012 and reminder thereon.
19. From the Government Pleader (SW), APHC., Hyderabad Lr.WP. No.2284/2003/ KR /SW/HC, dt.04.04.2013.

\*\*\*\*

**ORDER:**

In the reference 1<sup>st</sup> read above, the District Collector, Vizianagaram has issued Proceedings canceling Scheduled Tribe 'Konda Kapu' Caste Certificate of Sri Lanka Nagabhushana Rao S/o Sri Hanumantha Rao, Yard Master, Visakhapatnam Port Trust, Visakhapatnam, obtained from the then Tahsildar, S.Kota.

[p.t.o....]

2. In the reference 2<sup>nd</sup> read above, Sri Lanka Nagabhushana Rao, S/o Hanumantha Rao, has filed an Appeal Petition before the Government against the Proceedings of the District Collector, Vizianagaram. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Vizianagaram in the reference 3<sup>rd</sup>, 5<sup>th</sup>, and 10<sup>th</sup> read above.

3. In the reference 4<sup>th</sup>, 9<sup>th</sup> and 11<sup>th</sup> read above, the District Collector, Vizianagaram has furnished the parawise remarks and connected records of Sri Lanka Nagabhushana Rao, S/o Hanumantha Rao.

4. In the reference 6<sup>th</sup> read above, the appellant has filed Misc. Petition before the Government based on the contents produced by the Appellant before the Government, in the reference 8<sup>th</sup> read above, the orders of the District Collector, Vizianagaram issued in the reference 1<sup>st</sup> read above has been stayed by the Government until finalization of the Appeal Petition.

5. In the reference 7<sup>th</sup> read above, Sri Lanka Nagabhushana Rao S/o Hanumantha Rao, has filed Writ Petition No. 30346 of 1997 against Proceedings of the District Collector, Vizianagaram. The Hon'ble High Court of AP, while disposing the said WP on 29.6.2000 passed the following orders that "an appeal has already been filed and orders of stay have been obtained. In view of this, no orders are necessary in this WP".

6. The said Appeal Petition has been posted for hearing on 30.08.2001 and 29.11.2001, and the same has been informed to the Appellant, counsel for the appellant, with a request to attend the hearing of the case with all documentary evidences/ certificates in favour of his community claim in the reference 12<sup>th</sup> read above. On 29.11.2001 the Appellant and Counsel for the Appellant appeared for the personal hearing and submitted written arguments and profess in support of his community claim of ST-KondaKapu, the Appellate Authority was heard the case and observed that the records produced have been verified and found that Sri Lanka Hanumantha Rao, father of the appellant who worked as Guard in South Eastern Railways was also had a ST-Konda Kapu caste certificate dt.23.11.65 obtained from the District Collector, Visakhapatnam, and enquiry was also conducted on the social status of his father by Investigator from the Office of the Assistant Commissioner, SC/ST Welfare Department from AP and Mysore on 12.06.1963 and certified that his father belongs to Konda Kapu, the District Collector, Visakhapatnam has also issued a ST-KondaKapu caste certificate to Dr.Lanka Rama Rao, Brother of Appellants father on 09.06.1966 who worked as Civil Assistant Surgeon in the Health and Medical Department, AP, Hyderabad and the District Collector cancelled Appellant Sri Lanka Nagabhushana Rao, ST-Kondakapu certificate dt.08.07.1974 without any enquiry on genealogical information etc. and merely basing on the report submitted by the Commissioner of Tribal Welfare, AP, Hyderabad.

7. In the Government Memo No: 22674/CV.2/1997-15 and 16 the Appellant i.e., Sri Lanka Nagabhushana Rao and his brother Sri Lanka Satyanarayana were requested to appear before the SLSC Meeting held in the Chambers of Prl. Secretary (TW), AP Secretariat, Hyderabad on 10.2.2003 in regard to their community claim.

8. Aggrieved by the said Govt memo, Sri Lanka Satyanarayana, has filed W.P.No.2284/2003 questioning the validity of the issuance of the said Govt. Memo, when the Govt. have already issued orders in the G.O.Ms.No.70, SW Dept., dt.14.8.2000 setting aside the cancellation of ST caste certificate proceedings of the Collector, Vizianagaram, dt.2.11.1999 which means confirmation of his caste as konda kapu (ST) in the reference 13<sup>th</sup> read above.

[Contd...]

9. In the reference 14<sup>th</sup> read above, the Hon'ble H.C of A.P. have passed the following impugned orders on the W.P. No. 2284 of 2003, dated 7.2.2003:

**“the learned counsel for the petitioner submits that as per section 7(2) of the A.P:(SC, ST & BCs) Regulation of issue of Community Certificates Act, 1993 and the Rules framed there under, once a person's social status is declared as belonging to scheduled tribe by issuing a G.O., the respondents have no authority to issue the impugned notice.**

**Prima facie, the impugned order appears to be a notice calling upon the petitioner to attend for a personal hearing for review of G.O.Ms.No.70 Social Welfare (CV.2) Dept., dated. 14.08.2000, where under the petitioner was declared to belong to konda kapu community a scheduled tribe.**

**Instead of staying the operation of the impugned order, I direct the petitioner to submit an explanation to the notice attacking the very issuance of the impugned order. However, the respondents are directed not to pass final orders”.**

The Hon'ble High Court of AP, Hyderabad has also passed the following final orders in the said WP on 17.02.2011:-

**“full agreement with the submissions made by the learned counsel for the petitioner and hold that issuing of Memo No.22674/CV.2/97-16, dt. 27.1.2003 is arbitrary, illegal and also liable to be set aside”.**

**In view of the same, the Writ Petition is allowed and the impugned order dt. 27.1.2003 is set aside.**

10. In the reference 15<sup>th</sup> read above, Sri Lanka Nagabhushana Rao has filed another Misc. Petition before the Government.

11. The said Appeal Petition has been posted for hearing on 18.06.2011, 12.07.2011, 26.08.2011, 9.7.2012 finally on 06.08.2012 and the same has been informed to the appellant, counsel for the appellant with a request to attend the hearing of the case with all documentary evidences/ certificates in favour of his community claim in the references 16<sup>th</sup> read above. The Advocate for Appellant was present and argued the case and explained his client's community status and the Appellant filed written arguments before the Appellate Authority in the reference 17<sup>th</sup> read above.

12. In the reference 18<sup>th</sup> read above, the GP (SW), APHC, Hyderabad was requested to furnish clarification regarding the Community claim of Sri Lanka Nagabhusana Rao, S/o Hanumantha Rao, whether the said case of Sri Lanka Satyanarayana, S/o Hanumantha Rao i.e., WP No.2284/03, dt.17.02.2011 is a fit case to file Appeal at this distance of time.

13. In the reference 19<sup>th</sup> read above, the GP (SW) has stated that it may not be possible to file an Appeal against the orders passed in W.P.No. 2284/03, dt.17.02.2001 and also stated that the delay is also inordinate and without sufficient reasons and no appeal can be filed against the said order. Finally, the GP(SW) has opined that it is not a fit case for filing Appeal.

14. Government has examined the records and Proceedings of the District Collector, Vizianagaram dated. 29.07.1997, grounds and written arguments submitted by the Appellant and having considered the views of the GP(SW), APHC, Hyderabad and arguments of either side and documentary evidences/ written arguments of the appellant on perusal of the record, it is observed that the Appellant's family, since generations i.e, forefathers were recognized in the society as ST Kondakapu community and his grand father also secured service in Railways under ST Quota and also Government have confirmed the caste of his own brother Sri Lanka Satyanarayana as ST Kondakapu, vide G.O. Ms No. 70 SW(CV.2)Dept., dt 14.8.2000 and that the notice issued by the Government in Memo No. 2267/CV.2/97-16, dt 27.12.2003 for review and fresh enquiry in respect of the said G.O., which has been set aside by the Hon'ble High Court of AP in WP

[Contd...]

No. 2284/2003 dt 17.2.2011, on the ground that there are no valid reasons for review. The Government have also examined the documents i.e., High Court Orders, School Record, father's and grand father's and other blood relative's Caste certificates issued by the competent authorities etc., submitted by the Appellant in support of his claim as ST Kondakapu the Appellate Authority is of the opinion that the contention of the Appellant that he belongs to ST Kondakapu community.

15. Government after careful examination of the Appeal Petition and the facts stated supra and in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act, 1993 (Act No16 5of 1993), the Rules issued in G.O. Ms. No.58, Social Welfare (J2) Department, dated:12.05.1997, hereby allow the Appeal Petition filed by Sri Lanka Nagabhushana Rao, S/o Hanumantha Rao, Yard Master, Visakhapatnam Port Trust, Visakhapatnam District and the Proceedings of the District Collector, Vizianagaram issued in the Rc No. 1207/97/C7, dt 29.10.1997 is hereby set aside, by upholding the ST 'KondaKapu' community certificate issued by the Tahsildar, S.Kota in SR No. 117/74 dt 8.7.74 in favour of Sri Lanka Nagabhushana Rao, S/o Hanumantha Rao, Yard Master, Visakhapatnam Port Trust, Visakhapatnam and the stay granted on the proceedings of the Collector, Vizianagaram District dt 29.10.97, vide memo No. 22674/CV.2/1997 dt 13.7.2000 is hereby vacated.

16. The District Collector, Vizianagaram shall take necessary action in the matter.

17. The records (containing (M) D.Dis. 2824/94-C7, Dt,16.12.96, pages 01-254 CF and 01-26 NF, (M)R.Dis.1207/97-C7, dt 29.10.1997, pages 01 to 156 CF and Pp 01 to 24NF ) received from District Collector, Vizianagaram District, through 6<sup>th</sup> read above, are returned herewith in original to District Collector, Vizianagaram and he is requested to acknowledge the receipt of the same, immediately.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**Dr.A.VIDYA SAGAR**  
**PRINCIPAL SECRETARY TO GOVERNMENT (TW)**

To  
The District Collector, Vizianagaram (we) (By RPAD)  
(with original records).

Sri Lanka Nagabhushana Rao S/o Hanumantha Rao,  
Flat No.202, Happy Home Apts., Venchour-8, Butchirajpalem,  
Visakhapatnam-530027.

Sri K. Papi Naidu, Advocate, Flat No. 204, 'A' Block, Monark Apts., Mohan  
Nagar, Kothapet, Hyderabad-35.

**Copy to:**

The CTW, AP, Hyderabad/ the Director, TCR& TI, AP, Hyderabad.

The Traffic Manager and Disciplinary Authority, Dr. B.R. Ambedkar Bhavan,  
Visakhapatnam port Trust, Visakhapatnam-500035.

P.S. to M (TW)

P.S. to Principal Secretary (TW)

SF/SC.

**// FORWARDED :: BY ORDER //**

**SECTION OFFICER**